

Attorney Docket No. 009848/0276439

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF:

Rohde, et al.

U.S. Serial No.: 09/700,349

Filed: March 16, 2001

For: METHOD FOR PRODUCING PLANTS  
HAVING AN INCREASED TOLERANCE  
AGAINST DROUGHT AND/OR FUNGAL  
ATTACK AND/OR INCREASED SALT  
CONCENTRATIONS AND/OR EXTREME  
TEMPERATURE BY THE EXPRESSION OF  
PLASMODESMATA-LOCALIZED  
PROTEINS

Group Art Unit: 1638

Examiner: Anne R. Kubelik

Certificate of Mailing

I, Karyn F. Massie, hereby certify that this paper or fee is being deposited with the United States Postal Service First Class Mail, postage prepaid, to Addressee under 37 C.F.R. § 1.8 on the date indicated below and is addressed to: United States Patent and Trademark Office, Washington, DC 20231. March 5, 2003.

By: Karyn F. Massie  
Karyn F. Massie

U.S. PATENT AND TRADEMARK OFFICE  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Transmitted herewith for filing are the following:

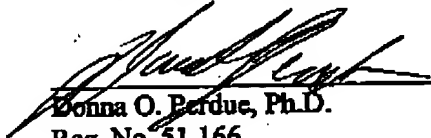
1. Reply/Amendment/ Letter with Petition for Extension of Time (in duplicate);
2. Response to Office Action mailed September 5, 2002 (13 Pages);
3. Courtesy copy of the Revised Formal Drawings in compliance with 37 C.F.R. §1.84 (originals filed with Official Draftsperson);
4. Substitute Specification excluding claims filed under 37 CFR 1.125(a);
5. Clean copy of original specification;
6. Filing Fee; and
7. Return Postcard.

Attorney Docket No. 009848/0276439

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: March 5, 2003

  
Donna O. Perdue, Ph.D.  
Reg. No. 51,166

Please send all correspondence to:  
11682 El Camino Real, Suite 200  
San Diego, CA 92130  
Facsimile: (858) 509-4010  
Direct Line: (858) 509-4093

## Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence and any paper referred to as being attached or enclosed is being mailed via "First Class Mail" of the United States Postal Service on the date shown below in an envelope addressed to the Assistant Commissioner for Patents, U.S. Patent & Trademark Office, Washington, D.C. 20231

Dated: March 5, 2003

By: Karyn F. Massie  
Karyn F. Massie

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Inventor(s): Rohde, et al.

Appln. No.: 09/700,349

Serial Code ↑ Serial No. ↑

Filed: March 16, 2001

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Group Art Unit 1638

Examiner: Anne R. Kubelik

Atty. Dkt. P 009848/0276439

Appln. Title: METHOD FOR PRODUCING PLANTS  
HAVING AN INCREASED TOLERANCE  
AGAINST DROUGHT AND/OR  
FUNGAL ATTACK AND/OR  
INCREASED SALT  
CONCENTRATIONS AND/OR  
EXTREME TEMPERATURE BY THE  
EXPRESSION OF PLASMODESMATA-  
LOCALIZED PROTEINS

Date: March 5, 2003

## REPLY/AMENDMENT/LETTER

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

| 1. Small Entity claim   | Claims remaining after amendment | Highest number previously paid for | Present Extra | Large/Small Entity | Additional Fee | Fee Code  |
|---|----------------------------------|------------------------------------|---------------|--------------------|----------------|-----------|
| A. <input checked="" type="checkbox"/> NOT made<br>B. <input type="checkbox"/> Withdrawn<br>C. <input type="checkbox"/> made herewith<br>D. <input type="checkbox"/> made previously<br>For B & C See Required Separate Paper (Pat-258) | 39                               | **minus 41                         | 0             | x \$18/\$9 =       | + \$0          | 103/203   |
|   | 1                                | ***minus 3                         | 0             | x \$84/\$42 =      | + \$0          | 102/202   |
| 2. Total Effective Claims   |                                  |                                    |               |                    |                |           |
| 3. Independent Claims   |                                  |                                    |               |                    |                |           |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application).....add   |                                  |                                    |               | + \$280/\$140 =    | + \$0          | 104/204   |
| 5. Original due Date: February 14, 2003 <input type="checkbox"/> NONE   |                                  |                                    |               |                    |                |           |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached   | (1 mo)                           | \$110/\$55 =                       |               |                    |                | 115/215   |
|   | (2 mos)                          | \$410/\$205 =                      |               | + \$ 465           |                | 116/216   |
|   | (3 mos)                          | \$930/\$465 =                      |               |                    |                | 117/217   |
|   | (4 mos)                          | \$1,450/\$725 =                    |               |                    |                | 118/218   |
|   | (5 mos)                          | \$1,970/\$985 =                    |               |                    |                | 128/228   |
| 7. Enter any previous extension fee paid since above original due date and subtract   |                                  |                                    |               | - \$0              |                |           |
| 8.  |                                  |                                    |               | Extension Fee      | + \$465        |           |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....   |                                  |                                    |               | + \$110/\$55       | + \$0          | 148/248   |
| 10. If IDS attached requires Official Fee under Rule 97 (c), .....  |                                  |                                    |               | + \$180            | + \$0          | 126       |
| or if Rule 97(d) Request .....  |                                  |                                    |               | + \$180            |                | 126       |
| 11. After-Final Request Fee per rules 129(a) and 17(r) .....  |                                  |                                    |               | + \$740/370        | + \$0          | 146/246   |
| 12. No. of additional inventions for examination per Rule 129(b) .....  |                                  |                                    |               | x \$740/370 ea     | + \$0          | 149/249   |
| 13. Request for Continued Examination (RCE) .....   |                                  |                                    |               | + \$740/370        | + \$0          | 1179/1279 |
| 14. Petition fee for .....  |                                  |                                    |               |                    | + \$0          |           |
| 15.   |                                  |                                    |               | TOTAL FEE =        | \$465          |           |
| 16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".  |                                  |                                    |               |                    |                |           |
| 17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.  |                                  |                                    |               |                    |                |           |
| 18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.   |                                  |                                    |               |                    |                |           |

Our Deposit Account No. 03-3975)

(Our Order No. 009848

0276439

CS

MS

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or

PAT-120 5/02

duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize payment of the issue fee until/unless an issue fee transmittal sheet is filed.

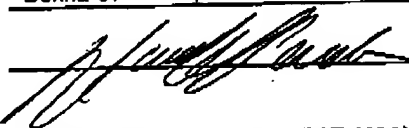
Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
Intellectual Property Group11682 El Camino Real, Suite 200  
San Diego, CA 92130-2593  
Tel: (619) 234-5000

By Atty: Donna O. Perdue, Ph.D.

Reg. No. 51,166

Sig:

Fax: (858) 509-4010  
Tel: (858) 509-4093

Atty/Sec: DOP/kfm

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

04-11-03

11:41am

From-PILLBURY WINTHROP CARMEL VLY

+858-509-4010

T-046 P.001

F-425

FROM  
Intellectual Property Group of  
Pillsbury Winthrop LLP  
Attorneys at Law  
11682 El Camino Real  
Suite 200 San Diego, CA 92130-2092

Telephone: (619) 234-5000

Our Facsimile #: (858) 509-4010

FACSIMILE TRANSMISSIONTO: UNITED STATES PATENT AND TRADEMARK OFFICEFACSIMILE #: (703) 872-9306No. Pages (Including this page) 25 FAX Opr: Kim A. CabelloIF YOU DO NOT RECEIVE CLEARLY ALL PAGES, PLEASE CONTACT US IMMEDIATELYBy Telephone AT: (858) 509-4093or (858) 509-4014

-&gt;-&gt;-&gt;

USPTO:

PLEASE ACKNOWLEDGE CLEAR RECEIPT OF ALL PAGES INDICATED  
ABOVE BY FAXING THIS PAGE BACK TO ONE OF OUR FACSIMILE  
NUMBERS STATED ABOVE

In re PATENT APPLICATION of

Inventor(s) Rehde, et al.Appln. No. 09/700,349series code 1 serial no. 1Filed: March 16, 2001Group Art Unit: 1638Examiner: Anne R. KubelikAtty. Dkt. PM 009848-276439

M#

TITLE:

Method for Producing Plants  
Having an Increased Tolerance  
Against Drought and/or Fungal  
Attack and/or Increased Salt  
Concentrations and/or Extreme  
Temperature by the Expression  
of Plasmodesmata-Localized  
Proteins

Date: April 11, 2003

Name or type of signed paper being transmitted:  
Confirmation of Filing

MESSAGE:

(ATTN: Atty/Sec.: Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN  
Forms Directory PAT-286 Rear. Do not file originals but fasten them in our file (left side) with  
this sheet and fax receipt on top. Do NOT send the originals nor a confirmation copy to the PTO.)

CERTIFICATE OF FACSIMILE TRANSMISSION

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and Trademark Office on the date shown below.

Name Donna O. PerdueSig. Date April 11, 2003009848/276439

C# / M#

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APR 14 2003

GROUP 1600



04-15-03

1638

Attorney Docket No. 009848/0276439

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION Of:

Rohde, et al.

U.S. Serial No.: 09/700,349

Filed: March 16, 2001

For: METHOD FOR PRODUCING PLANTS  
HAVING AN INCREASED TOLERANCE  
AGAINST DROUGHT AND/OR FUNGAL  
ATTACK AND/OR INCREASED SALT  
CONCENTRATIONS AND/OR EXTREME  
TEMPERATURE BY THE EXPRESSION OF  
PLASMODESMATA-LOCALIZED  
PROTEINS

) Group Art Unit: 1638

) Examiner: Anne R. Kubelik

) CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

) I hereby certify that this correspondence (along with any paper  
) referred to as being attached or enclosed is being mailed via "Express  
) Mail Post Office to Addressee" service of the United States Postal  
) Services (Express Mail Label No. EV159087246) on the date  
) shown below in an envelope addressed to the Commissioner of  
) Patents & Trademarks, U.S. Patent and Trademark Office,  
) Washington, D.C., 20231.

) Dated: 4-11-03By: A. Kubelik

U.S. PATENT AND TRADEMARK OFFICE  
Washington, D.C. 20231

CONFIRMATION OF FILING

RECEIVED

APR 16 2003

TECH CENTER 1600/2900

The following materials are being submitted by facsimile to 703-872-9306, to confirm that a  
reply to the Office Action mailed September 5, 2002, in the above-captioned case was timely  
filed on March 5, 2003.

1. Copy of stamped return postcard showing receipt on March 10, 2003.
2. Copy of Transmittal Letter with Certificate of Mailing dated March 5, 2003.
3. Copy of Reply/Amendment/ Letter with Petition for Extension of Time.
4. Copy of Amendment and Response to Office Action (13 pages).
5. Copy of cover sheet and first page of substitute specification under 37 CFR 1.125(a).
6. Copy of cover sheet and first page of clean copy of original specification.

As noted on the stamped return postcard, a filing fee in the amount of \$465.00 was enclosed with the materials filed on March 5, 2003. Applicant has determined that Check No. 302893 in the amount of \$465.00 for the filing fee in this case has been presented for payment.

As discussed with Dr. Kubelik, a complete copy of all the materials filed on March 5, 2003, is also being sent by Express Mail.

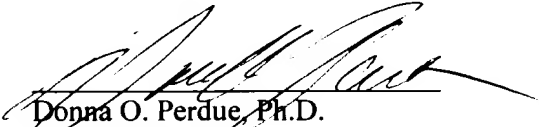
If the Examiner would like to discuss any matters related to this application, Applicant's representative can be reached at (858) 509-4093.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date:

April 11, 2003

  
Donna O. Perdue, Ph.D.  
Reg. No. 51,166

**Please send all correspondence to:**  
11682 El Camino Real, Suite 200  
San Diego, CA 92130  
Facsimile: (858) 509-4010  
Direct Line: (858) 509-4093



**PAT-103 5/02 PTO RECEIPT FOR INDICATED ITEMS**

Appln. No: 09/700,349  
Inventor(s) BILLETER, et al.  
Filing Date: March 16, 2001

Atty DOP  
Date 03/05/03  
C# 009848  
M# 0276439

Title: METHOD FOR PRODUCING PLANTS HAVING AN INCREASED TOLERANCE AGAINST DROUGHT AND/OR FUNGAL ATTACK AND/OR INCREASED SALT CONCENTRATIONS AND/OR EXTREME TEMP....

**ENCLOSED:**

- ☐ Amendment ☐ Appendix ☐ Cover sheet  
#        No. of numbered Claims only  
☐ Declaration (       #pgs)  
☐ Assignment ☐ Cover Sheet  
#        No. Sheets Drawings (Fig(s) 1 to       ) ☐ 1 set Formal  
☐ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept/OA  
☐ PTO-1449 ☐ cited docs.

\$ 465.00 Filing Fee Enclosed

Other: Transmittal letter, Reply/Amendment/Letter Transmittal (in duplicate);  
Response to Office Action (13 pages); Courtesy Copy of the Revised Formal  
Drawings in compliance with 37 CFR 1.84; Substitute Specification; Clean copy  
of Original Specification and Return Postcard.

**PAT-103 5/02 PTO RECEIPT FOR INDICATED ITEMS**

Appln. No: 09/700,349  
Inventor(s) BILLETER, et al.  
Filing Date: March 16, 2001

Atty DOP  
Date 03/05/03  
C# 009848  
M# 0276439

Title: METHOD FOR PRODUCING PLANTS HAVING AN INCREASED TOLERANCE AGAINST DROUGHT AND/OR FUNGAL ATTACK AND/OR INCREASED SALT CONCENTRATIONS AND/OR EXTREME TEMP....

**ENCLOSED:**

- ☐ Amendment ☐ Appendix ☐ Cover sheet  
#        No. of numbered Claims only  
☐ Declaration (       #pgs)  
☐ Assignment ☐ Cover Sheet  
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☐ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept/OA  
☐ PTO-1449 ☐ cited docs.

\$ 465.00 Filing Fee Enclosed

Other: Transmittal letter, Reply/Amendment/Letter Transmittal (in duplicate);  
Response to Office Action (13 pages); Courtesy Copy of the Revised Formal  
Drawings in compliance with 37 CFR 1.84; Substitute Specification; Clean copy  
of Original Specification and Return Postcard.



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